

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 00-9
Table of Allotments	)	RM-9526
FM Broadcast Stations	)	
(Beaumont and Dayton, Texas)	)	

To: Assistant Chief, Allocations  
Audio Division  
Media Bureau

**WITHDRAWAL OF EXPRESSION OF INTEREST AND  
REQUEST FOR DISMISSAL OF RULE MAKING**

Liberman Broadcasting of Houston License Corp, ("Liberman"), licensee of Station KQQK(FM) (formerly KXTJ(FM)), Beaumont, Texas, by its attorneys and pursuant to Section 1.420(j) of the Commission's Rules, hereby withdraws the rulemaking petition submitted by its predecessor in interest, KXTJ License, Inc., seeking reallocation of KQQK from Beaumont, Texas, to Dayton, Texas, and modification of the station's license accordingly. In addition, it withdraws the expression of interest in applying for the Dayton allotment, if made. Accordingly, Liberman requests that the FCC dismiss the underlying petition for rule making (RM-9526) and terminate the instant proceeding.


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The licensee of KQQK has been the sole movant in this proceeding. No party filed comments opposing the change of city of license to Dayton, Texas.<sup>1</sup> Therefore, there is no agreement, written or oral, with any entity regarding the instant withdrawal and request for dismissal. Pursuant to Section 1.420(j), a Declaration executed pursuant to the requirements of Section 1.16 of the Rules is attached.

Respectfully submitted,

**LIBERMAN BROADCASTING OF  
HOUSTON LICENSE CORP.**

By   
Marnie K. Sarver

WILEY REIN & FIELDING LLP  
1776 K Street, NW  
Washington, DC 20006  
(202) 719-7000

Its Attorney

July 26, 2004

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<sup>1</sup> ComCorp of Lafayette License Corp, licensee of Station KRKA(FM), Erath, Louisiana, filed comments on March 3, 2000, but did not oppose the change of city of license

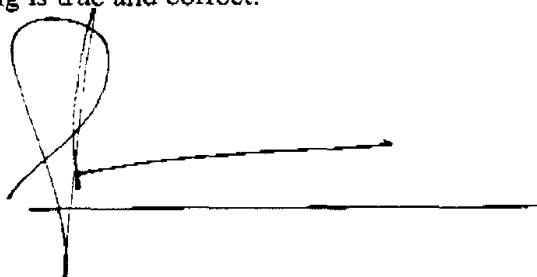
**DECLARATION OF LENARD D. LIBERMAN**

I, Lenard D. Liberman, declare that:

1. I am Vice President of Liberman Broadcasting of Houston License Corp. ("Liberman"), the licensee of Station KQQK, Beaumont, Texas.
2. Neither Liberman nor any of its principals has received or will receive any money or other consideration for the dismissal of RM-9526, termination of MM Docket No. 00-9 or withdrawal of its expression of interest in the allotment proposed therein.
3. Liberman has not entered into any agreement, written or oral, with any other party regarding (a) its withdrawal of the expression of interest, (b) the instant request for dismissal of RM-9526, or (c) the termination of MM Docket No. 00-9.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 12, 2004.

A handwritten signature, likely of Lenard D. Liberman, is written over a horizontal line. The signature is stylized, with a large loop at the beginning and a long horizontal stroke extending to the right.


**CERTIFICATE OF SERVICE**

I, Lisa Henry, a secretary in the law firm of Wiley Rein & Fielding LLP, do hereby certify that true copies of the foregoing **“WITHDRAWAL OF EXPRESSION OF INTEREST AND REQUEST FOR DISMISSAL OF RULE MAKING”** were sent this 26th day of July, 2004 by United States mail, postage prepaid, to the following:

Raymond B. Grochowski, Esq.  
Latham & Watkins  
555 Eleventh Street, NW  
Suite 1000  
Washington, DC 20004-1304  
Attorney to ComCorp of Lafayette License Corp.

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Senior Counsel, Allocations  
Audio Division  
Media Bureau  
Federal Communications Commission  
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Washington, DC 20554

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